IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1058 (M/S) of 2006

United India Insurance Company Ltd.,
Through its Divisional Manager,
Divisional Office, Tikonia, Nainital Road,
Haldwani,
District – Nainital. **.....Petitioner**

Versus

1. Motor Accident Claims Tribunal / Additional District Judge, Kashipur, Udham Singh.
2. Rakesh Kumar, son of Sri Jagdish Prasad, resident of Mohalla Kavinagar, Kashipur, Police Station & Tehsil – Kashipur, District – Udham Singh Nagar. (Driver Tata Indica No. DL 4C U 3952).

.....Respondents

3. Rajeev Mishra, son of Sri R.C. Mishra, resident of C – 95, II Floor, DDA Colony, Paschim Gorakh Park, Shahadra, Delhi. (Owner of Car No. DL 4C U 3952).
4. Smt. Anandi wife of late Moolraj Singh.
5. Km. Aarti (Major) daughter of late Moolraj Singh.
6. Sanjay Singh (Major) son of late Moolraj Singh.
   All residents of Village – Dabhora (Koshi Bridge), Sultanpur Patti, Police Station & Tehsil – Bajpur, District – Udham Singh Nagar.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Purohit, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondent no. 1.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. to direct the respondent no. 1 to decide the application dated 10.05.2006 moved by the petitioner Insurance Company under Section 170 of Motor Vehicle Act and to pass an appropriate order in accordance with law.

II. Issue any suitable order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances the case.

III. award the costs of the writ petition to the petitioner.

The submission of the petitioner is that petitioner is insurer of vehicle no. DL 4C U 3952 which met with an accident on 27.06.2004. Since the owner of the vehicle was not properly and effectively contested the claim petition filed against the petitioner i.e. Insurance Company, petitioner moved an application under section 170 of Motor Vehicle Act on 10.05.2006. The said application has yet not been decide by the respondent no. 1

During the course of argument learned counsel for the petitioner has confined his prayer that writ petition may be disposed with a direction to respondent no. 1 to decide the petitioner's application dated 10.05.2006 as early as possible.

The prayer is innocuous. Accordingly, I direct the respondent no. 1 i.e. Motor Accident Claims Tribunal / Additional District Judge, Kashipur, Udham Singh Nagar to decide the application dated 10.05.2006 moved by the petitioner under section 170 of Motor Vehicle Act, as expeditiously as possible.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 08, 2006
SKSharma